

MESSAGE NO: 3238203

MESSAGE DATE: 08/26/2003

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: LIQ-Liquidation PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-533-813

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 02/01/2002

TO

01/31/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS, PRESERVED MUSHROOMS FROM INDIA EXCEPT AGRO DUTCH, DINESH AGRO, PREMIER MUSHROOMS SAPTARISHI AGRO, WEIKFIELD AGRO (A-533-813)

MESSAGE NO: 3238203

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REFERENCE:

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CASES: A - 533 - 813

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PERIOD COVERED: 02 01 2002 TO 01 31 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS, PRESERVED MUSHROOMS FROM INDIA EXCEPT AGRO DUTCH, DINESH AGRO, PREMIER MUSHROOMS SAPTARISHI AGRO, WEIKFIELD AGRO (A-533-813)

1. THE DEPARTMENT OF COMMERCE DOES NOT AUTOMATICALLY CONDUCT ADMINISTRATIVE REVIEWS OF ANTIDUMPING FINDINGS/DUTY ORDERS. INSTEAD, REVIEWS MUST BE REQUESTED IN ACCORDANCE WITH SECTION 351.213(b) OF THE COMMERCE DEPARTMENT REGULATIONS.

2. THE DEPARTMENT OF COMMERCE HAS RECEIVED A REQUEST FOR AN ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY

ORDER FOR THE PERIOD AND ON THE MERCHANDISE LISTED BELOW.
THEREFORE, IN ACCORDANCE WITH SECTION 351.212(c) OF THE COMMERCE
DEPARTMENT REGULATIONS, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON
ALL MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR
CONSUMPTION AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT ON THE
DATE OF ENTRY TO WHICH THE FOLLOWING INFORMATION APPLIES:

CERTAIN PRESERVED MUSHROOMS	PERIOD
INDIA A-533-813	
	2/1/02 -1/31/03

LIQUIDATE ALL ENTRIES FOR ALL FIRMS EXCEPT:

AGRO DUTCH FOODS LTD.,
DINESH AGRO PRODUCTS LTD.
PREMIER MUSHROOMS FARMS
SAPTARISHI AGRO INDUSTRIES, LTD.
WEIKFIELD AGRO PRODUCTS, LTD.

3. ENTRIES OF MERCHANDISE OF EXCEPTED FIRMS SHOULD NOT BE
LIQUIDATED UNTIL YOU RECEIVE SPECIFIC INSTRUCTIONS AFTER
THE COMPLETION OF THE ANTIDUMPING REVIEW. CONTINUE TO
SUSPEND LIQUIDATION OF ALL ENTRIES OF MERCHANDISE EXPORTED OR
PRODUCED BY THE LISTED FIRMS AND ENTERED, OR WITHDRAWN FROM
WAREHOUSE, FOR CONSUMPTION DURING THIS PERIOD.

4. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF
SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND
PERIOD LISTED ABOVE. YOU SHALL CONTINUE TO COLLECT CASH
DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR SUBSEQUENT
ENTRIES OF THE SUBJECT MERCHANDISE AT THE CURRENT RATES.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE U.S. BUREAU OF
CUSTOMS AND BORDER PROTECTION (CUSTOMS) ON SHIPMENTS OR ENTRIES
OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778
OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY
INTEREST ON OVERPAYMENTS OR ASSESS INTEREST ON UNDERPAYMENTS, OF

THEREQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED

ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CUSTOMS SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER FAILS TO RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICER, THE IMPORTING PUBLIC, OR INTERESTED PARTIES PLEASE CONTACT DAVID GOLDBERGER AT "DAVID__GOLDBERGER AT ITA.DOC.GOV" OR KATHERINE JOHNSON AT "KATHERINE__JOHNSON AT ITA.DO.GOV", OF THE OFFICE OF AD/CVD ENFORCEMENT GROUP I, OFFICE 2, IMPORT ADMINISTRATION, DEPARTMENT OF COMMERCE, AT (202) 482-4136 OR (202) 482-4929.

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party